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## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0060 – Bluff Springs Food Mart

**Z.A.P. DATE:** July 2, 2013

**ADDRESS:** 7101 Bluff Springs Road

**OWNER:** Bluff Springs Food Mart, Inc.  
(Tariq Majeed)

**AGENT:** Moncada Consulting  
(Phil Moncada)

**ZONING FROM:** SF-4A; LR-CO **TO:** LR-CO, to modify the conditional overlay and remove food sales and restaurant (drive-in, fast food) from the prohibited use list

**AREA:** 1.834 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general neighborhood commercial – conditional overlay (LR-CO) combining district zoning to remove food sales and restaurant (fast food, drive-in) use from the list of prohibited uses. The Conditional Overlay would continue the 2,000 vehicle trip limit that applies to this property.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

July 2, 2013:

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject undeveloped lot is located at the southeast corner of Bluff Springs Road and Blue Meadow Drive and has had neighborhood commercial – conditional overlay (LR-CO) and single family residence – small lot (SF-4A-CO) district zoning since 1999. The Conditional Overlay that applies to the rezoning area includes a 2,000 vehicle trip limit and prohibits food sales and restaurant (fast food, drive-in) uses. The eastern 50 feet of the lot is a public utility easement site and a significant portion of that width is heavily treed and designated as a drainage easement. To the north and northeast there is an undeveloped lot and manufactured homes in the South Creek subdivision (CS-CO; MH), and to the south there are single family residences and a drainage easement in the Meadows at Bluff Springs subdivision (LR-CO; SF-4A-CO). Across Bluff Springs Road to the west, there is a campground, warehouse, apartments and an undeveloped tract proposed to be developed with an AISD bus depot facility and administrative offices (MF-1; SF-3; I-RR; CS-MU-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

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The Applicant proposes to modify the Conditional Overlay to remove the two uses on the prohibited use list, being food sales and restaurant (fast food, drive-in). For information, the restaurant (fast food, drive-in) use is now covered by the restaurant (limited) and restaurant (general) uses, both of which are first allowed in LR zoning, the latter subject to a maximum of 4,000 square feet. The intent is to provide greater flexibility in developing the property with commercial uses that would serve the surrounding residential uses.

In evaluating the Applicant's request, Staff looked at whether and has affirmed that the food sales and restaurant (fast food, drive-in) uses proposed to be removed from the Conditional Overlay are permitted on the two other commercially zoned properties that are directly north and west, and also access Bluff Springs Road. Therefore, Staff supports the Applicant's request given that other commercially zoned properties in the area allow for these uses to occur. The Conditional Overlay would continue the 2,000 vehicle trip limit as it applies to this property.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LR-CO	Undeveloped
<i>North</i>	CS-CO; MH	Undeveloped; Manufactured homes in the South Creek subdivision
<i>South</i>	LR-CO; SF-4A-CO	Single family residences in the Meadows at Bluff Springs subdivision; Drainage easement
<i>East</i>	MH; SF-4A-CO	Manufactured homes in the South Creek subdivision; Single family residences in the Meadows at Bluff Springs subdivision
<i>West</i>	CS-MU-CO; I-RR; SF-3; MF-1	Undeveloped; Warehouse (vacant); Apartments; Campground

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Onion Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

### **NEIGHBORHOOD ORGANIZATIONS:**

- 96 – Southeast Corner Alliance of Neighborhoods (SCAN)
- 511 – Austin Neighborhoods Council
- 627 – Onion Creek Homeowners Association
- 742 – Austin Independent School District
- 1037 – Homeless Neighborhood Association
- 1075 – Bike Austin
- 1180 – Savorey Lane Association
- 1200 – Super Duper Neighborhood Objectors and Appealers Organization
- 1224 – Austin Monorail Project
- 1228 – Sierra Club, Austin Regional Group
- 1236 – The Real Estate Council of Austin, Inc.
- 1249 – Los Jardines Homeowners Association
- 1258 – Del Valle Community Coalition
- 1340 – Austin Heritage Tree Foundation
- 1363 – SEL Texas

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1408 – GO! Austin/VAMOS! Austin – Dove Springs

**SCHOOLS:**

Langford Elementary School

Mendez Middle School

Akins High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0127 – Bluff Springs Commercial – 7001 Bluff Springs Road	CS-CO to CS-CO to change a condition of zoning	To Grant a change to the CO to remove art and craft studio (general), business support services, laundry services, medical offices, personal improvement services and restaurant (general) from the prohibited use list	Approved as Commission recommended (2-2-2012).
C14-2008-0123 – Bennett Tract – 7309 ½ South IH 35 Service Road Northbound	I-RR; GR to MF-3; CS	To Grant CS-MU-CO with the CO prohibiting a list of uses and limiting residential density to 36 u.p.a. RC for the conditions of the TIA and prohibiting commercial businesses within 200' of Bluff Springs. Street deed for 13' additional r-o-w on Bluff Springs.	Approved CS-MU-CO with Restrictive Covenant and Street Deed as recommended by Commission (3-11-2010).
C14-84-457 (RCA) – Chrysler Auto Dealership – 6905 South IH 35 Service Road Northbound	To delete the covenant as it applies to Lot 2, thereby enabling the property to have all of the conditional and permitted uses of GR zoning	To terminate the RC as it applies to this particular property and retain a restriction that prohibits pawn shop services and residential treatment	Approved an amendment to the RC, as recommended by the Commission (4-30-2009).
C14-98-0224 – The 33 at Bluff Springs – 7101 Block of Bluff Springs Road	I-RR to GR & MH	To Grant SF-4A for Tract 1 and LR for Tract 2	Approved SF-4A-CO for Tract 1 and LR-CO for Tract 2. CO is for 2,000 trips and

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at Blue Meadow Drive			prohibiting food sales and restaurant (fast food). Street Deed for additional r-o-w on Bluff Springs (5-6-1999).
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**RELATED CASES:**

The property was zoned LR-CO on May 6, 1999 and included all of the area within the Meadows at Bluff Springs subdivision. The conditional overlay that pertained to the LR-CO tract prohibited food sales and restaurant (fast food, drive-in) and limited development to 2,000 trips (C14-98-0224 – The 33 at Bluff Springs). A Street Deed accompanied the rezoning case and dedicated additional right-of-way on Bluff Springs Road.

The property is platted as Lot 47 Block A of the Amended Plat of Meadows at Bluff Springs, a subdivision recorded on August 19, 2003 (C8-03-0100.0A – Meadows at Bluff Springs, Amended Plat of). Please refer to Exhibits B and C.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Bluff Springs Road	Varies: 109'-120'	56 feet	MAU 4 – Major Arterial Undivided roadway with 4 lanes.	11,162 (2004)
Blue Meadows Drive	60 feet	41 feet	Collector	3,380 (1997)

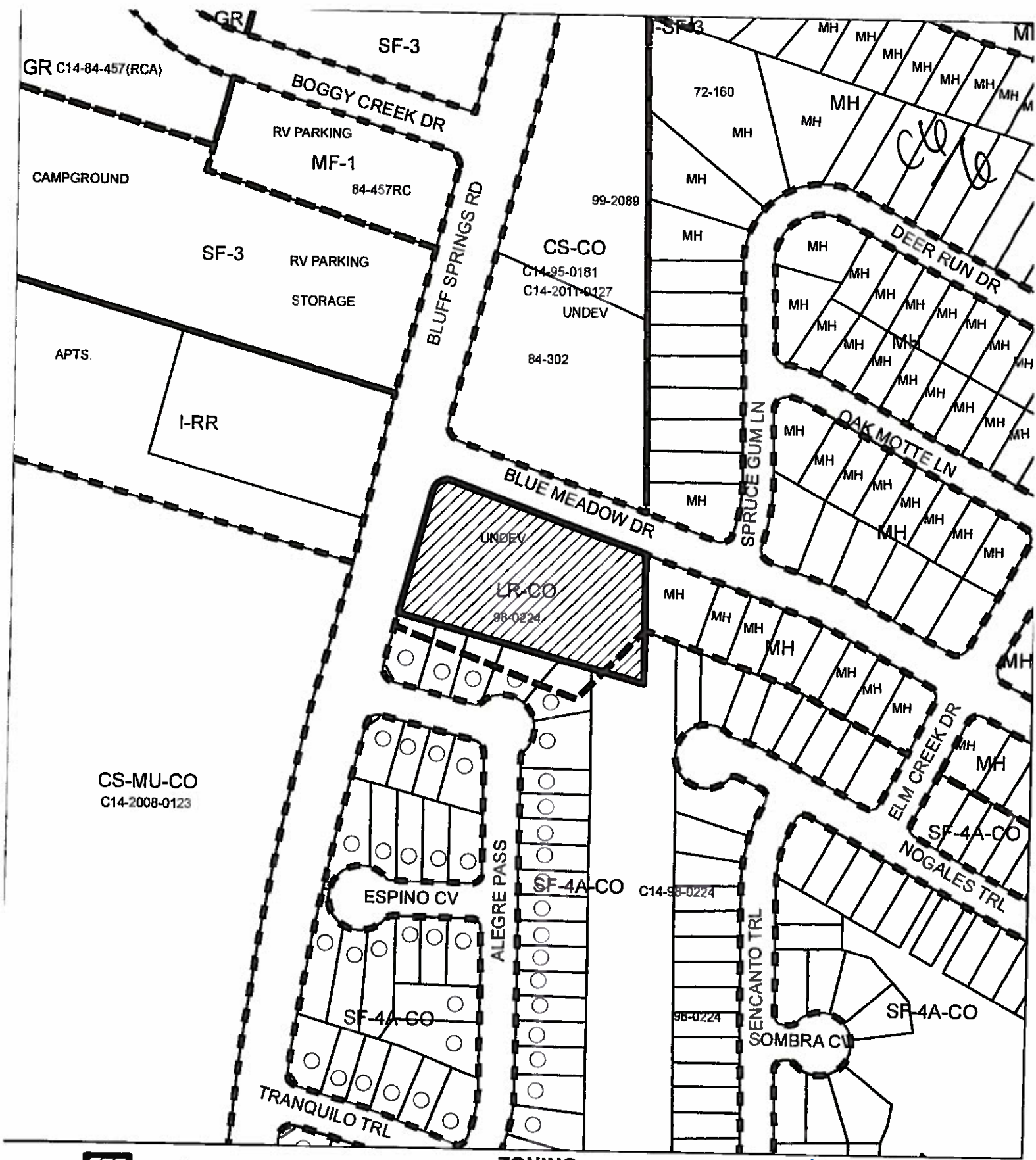
- There are existing sidewalks along both Bluff Springs Road and Blue Meadow Drive.
- According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and recommended along the adjoining streets as follows: Bluff Springs Road serves Route No. 59 and has an existing Shared Lane with a recommended Bike Lane. Blue Meadows Drive serves Route No. 38 and has an existing Wide Curb with a recommended Bike Lane.
- Capital Metro bus service (Route No. 127 and 333) is available along Blue Meadows Drive. Capital Metro bus stop No. 1901 Blue Meadow/Bluff Springs is located along the northern property boundary of the site.




**CITY COUNCIL DATE:** August 8, 2013**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

**PHONE:** 974-7719



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

**ZONING**  
**ZONING CASE#: C14-2013-0060**

*EXHIBIT A*



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







**ORDINANCE NO. 990506-65**

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**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:**

**A 33.42 ACRE PARCEL OF LAND CONSISTING OF TWO TRACTS OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT AND INTERIM FAMILY RESIDENCE (I-SF-3) DISTRICT TO SINGLE FAMILY RESIDENCE SMALL LOT-CONDITIONAL OVERLAY (SF-4A-CO) DISTRICT, AND NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) DISTRICT, LOCALLY KNOWN AS 7101 BLUFF SPRING ROAD AND 1901 BLUE MEADOW DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The Zoning Map established by Chapter 25-2-191 of the City Code is amended to change the base zoning districts on the property described in File C14-98-0224, as follows:

Tract 1: From Interim Rural Residence (I-RR) district to Single Family Residence Small Lot-Conditional Overlay (SF-4A-CO) district.

31.28 acre tract of land out of the Santiago Del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

Tract 2: From Interim Rural Residence (I-RR) district and Interim Family Residence (I-SF-3) district to Neighborhood Commercial-Conditional Overlay (LR-CO) district.

2.14 acre tract of land out of the Santiago Del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 7101 Bluff Springs Road and 1901 Blue Meadow Drive, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "C".



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**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Notwithstanding any other provision of the City Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

2. The following uses of the Property identified as Tract 2 are prohibited: Food Sales and Restaurant (Fast Food, Drive-In).

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base district and other applicable requirements of the City Code.

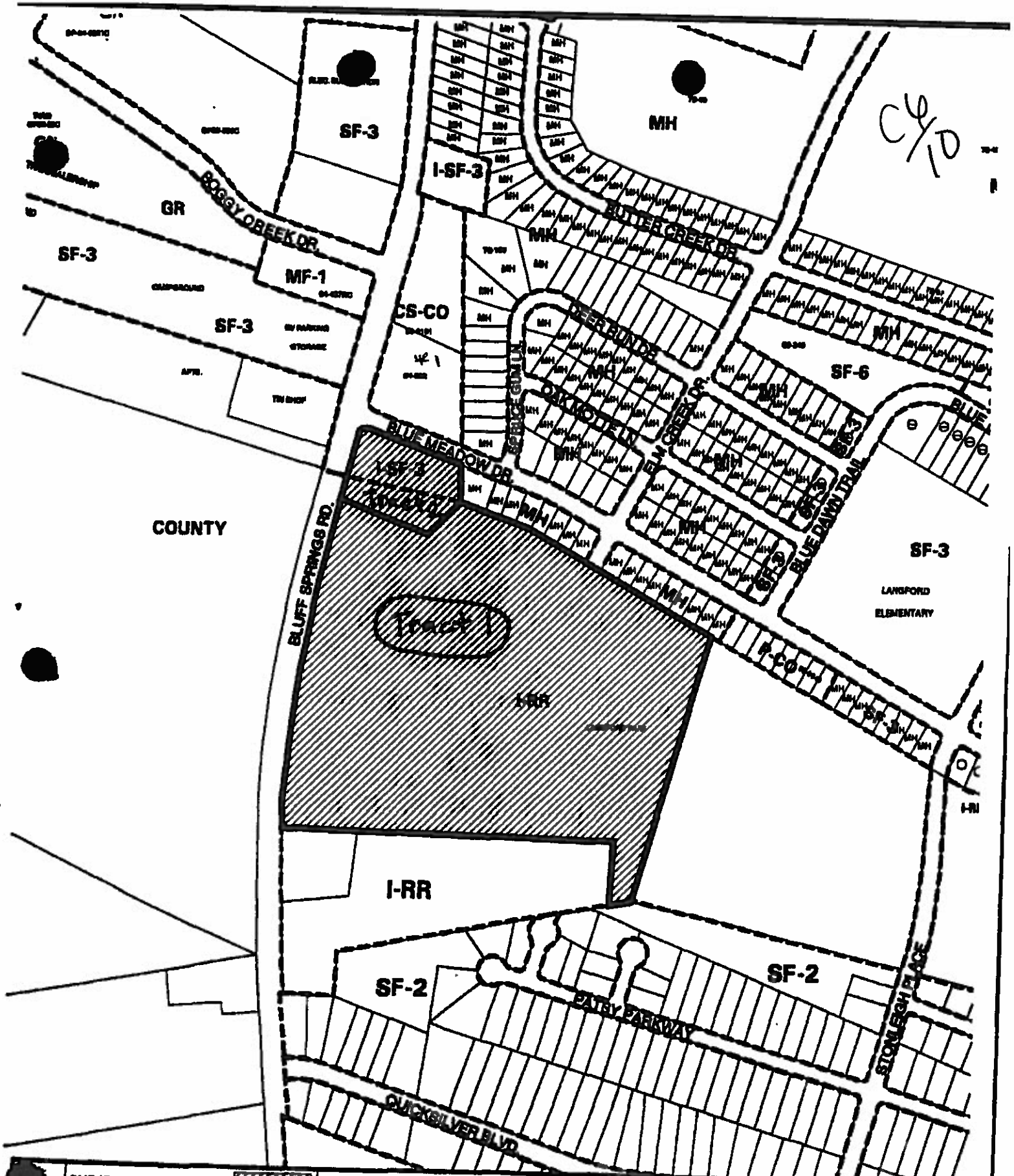
**PART 3.** The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

**PART 4.** This ordinance takes effect on May 17, 1999.

**PASSED AND APPROVED**

\_\_\_\_\_ May 6 \_\_\_\_\_, 1999      §  
   §      Kirk Watson  
   §      Kirk Watson  
        Mayor

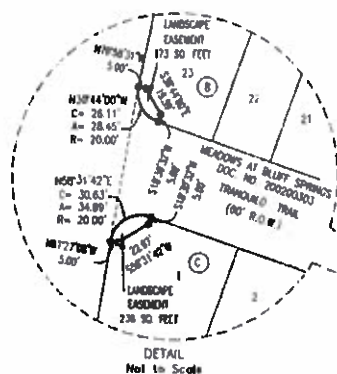
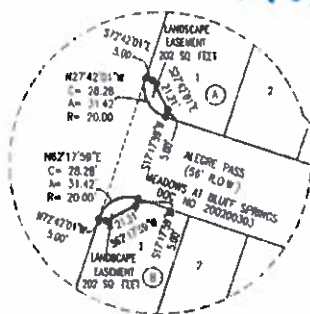
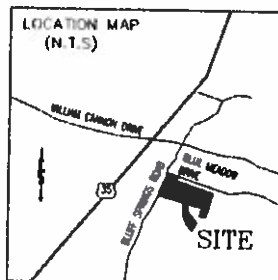
APPROVED: Andrew Martin      ATTEST: Shirley A. Brown  
   Andrew Martin      Shirley A. Brown  
   City Attorney      City Clerk



	SUBJECT TRACT		<b>ZONING EXHIBIT "C"</b>		<b>CITY GRID REFERENCE NUMBER</b>  H15 & H14
	PENDING CASE				
	ZONING BOUNDARY		<b>CASE #:</b> C14-98-0224	<b>DATE:</b> 98-11	
	<b>CASE MGR:</b> J. Arriaga	<b>ADDRESS:</b> 7101 BLUFF SPRINGS RD. & 1201 BLUE MEADOW DR. SUBJECT AREA (ACRES): 3.420	<b>INTLS:</b> TRC		

990526-65

# AMENDED PLAT OF MEADOWS AT BLUFF SPRINGS



## LEGEND

- IRON PIN SET
- IRON PIN FOUND
- CONCRETE MONUMENT FOUND
- CONCRETE MONUMENT SET
- BUILDING SETBACK LINE
- WATERSHED EASEMENT
- PUBLIC UTILITY EASEMENT
- DRAINAGE EASEMENT
- 1 LOT NUMBER
- (A) BLOCK NUMBER

..... APPROX. SIDEWALK LOCATION

DATE: SEPTEMBER 5, 2002

OWNER: BLUFF SPRINGS DEVELOPMENT, LTD.  
ATTN: BOB GUTILLAN  
2207 LAKE AUSTIN BOULEVARD  
AUSTIN, TEXAS 78703  
PHONE: (512) 250-8838 FAX (512) 250-5194

ENGINEER AND SURVEYOR:  
CARLSON, BRIDGEMAN & DOERING, INC.  
3401 SLAUGHTER LAKE WEST  
AUSTIN, TEXAS 78748  
PHONE: (512) 280-5100 FAX (512) 280-5165

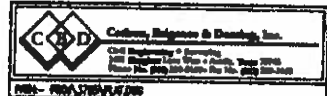
TOTAL ACREAGE: 33.36 ACRES  
SURVEY: THE DEL VALLE SURVEY, ADS 24  
NO. OF BLOCKS: 4  
NO. OF PUE AND D.E. LOTS: 2  
NO. OF D.E. AND W.D. LOTS: 1  
NO. OF SINGLE FAMILY LOTS: 135  
NO. OF COMMERCIAL LOTS: 1  
TOTAL: 139 LOTS

F.E.M.A. MAP NO. 49453C 0215 F  
TRAVIS COUNTY, TEXAS DATED: JUNE 3, 1997

PLAT-amended.dwg 6-17-03 5:00 pm EST  
PLAT.dwg 9-5-02 4:24:53 pm EST

EXHIBIT C  
RECORDED PLAT

SHEET 1 OF 5



C9-03-0100.0A



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12**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general neighborhood commercial – conditional overlay (LR-CO) combining district zoning to remove food sales and restaurant (fast food, drive-in) use from the list of prohibited uses. The Conditional Overlay would continue the 2,000 vehicle trip limit that applies to this property.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The neighborhood commercial (LR) district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: “The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.”

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

In evaluating the Applicant’s request, Staff looked at whether and has affirmed that the food sales and restaurant (fast food, drive-in) uses proposed to be removed from the Conditional Overlay are permitted on the two other commercially zoned properties that are directly north and west, and also access Bluff Springs Road. Therefore, Staff supports the Applicant’s request given that other commercially zoned properties in the area allow for these uses to occur. The Conditional Overlay would continue the 2,000 vehicle trip limit as it applies to this property.

**EXISTING CONDITIONS****Site Characteristics**

The rezoning area is undeveloped, relatively flat and is sparsely vegetated, except for the eastern portion which includes a drainage easement within a public utility easement. There appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the LR-CO zoning district would be 80%, which is a consistent figure between the zoning and watershed regulations.

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### Comprehensive Planning

The zoning case is located on the southeast corner of Bluff Springs Road and Blue Meadow Drive and is not located within the boundaries of a neighborhood planning area. The property is approximately 1.8 acres in size, the property is vacant and the proposed use is a convenience food market. Surrounding land uses includes vacant land to the north, a single family subdivision to the south, townhouses and an office to the west, and vacant land and single family houses to the east.

The overall goal of the IACP is to achieve '*complete communities*' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. Page 107 of the IACP states, "While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. *Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context.* The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans."

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses infill development, including over environmentally sensitive land:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a **mix of land uses** and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **LUT P22** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.

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- **NP1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being located along the intersection of a major arterial road (Bluff Springs Road) and the Imagine Austin policies referenced above, which encourages complete communities and infill development, including retail, staff believes that the proposed retail use is supported by the Imagine Austin Comprehensive Plan.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Onion Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps there is no flood plain within or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

No additional right-of-way is needed at this time.



A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through the existing conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### **Site Plan and Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use.

The site is subject to compatibility standards due to directly adjacent SF-4A-CO zoning. Along the south property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF property.

Additional comments will be made when the site plan is submitted.

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May 22, 2013

Mr. Greg Guemsey  
Director  
Planning and Development Review Department  
P.O. Box 1088  
Austin, Texas 78767

**RE: 7101 Bluff Springs Road – Rezoning to remove restrictions**

Dear Mr. Guemsey,

The site is zoned LR-CO and is currently undeveloped and made up of 1.8354 acres. My client's desire is to create and develop a site that provides uses that will serve the neighborhood and it relates to office/retail space.

We would like to revise the existing conditional overlay under Ordinance # C14-98-0224 as follows:  
Revise Part 2, No.2 to delete the following prohibited uses:

Food Sales and Restaurant (Fast Food, Drive-In).

Justification for allowing food sales/restaurant service:

In reviewing adjacent commercial development and it's current zoning, it has come to our attention that a site directly across the street has amended the restrictions associated with the existing Conditional Overlay. Our client has proposed tenants that want to move into this geographic area to provide neighborhood services. This area has historically been underserved and our desire is to develop the site and provide businesses that can be accessed by pedestrian traffic as well as vehicular traffic.

Your time and consideration is appreciated. If you have any questions feel free to contact me at your earliest convenience.

Sincerely,



Phil Moncada  
Principal

SCANNED